



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 22, 2021

By ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

**Re: United States v. Sylvia Ash,
S1 19 Cr. 780 (LAK)**

Dear Judge Kaplan:

The Government respectfully writes in the above-captioned matter to (a) inform the Court that a superseding indictment was returned by the grand jury yesterday, and (b) request that time be excluded under the Speedy Trial Act between October 4, 2021 and the new trial date of November 30, 2021.

A copy of the superseding indictment, S1 19 Cr. 780 (LAK) (the "Superseding Indictment"), as filed on PACER, is enclosed. The Superseding Indictment adds one count of false statements, in violation of Title 18, United States Code Section 1001. The filing of the Superseding Indictment will not necessitate additional discovery. Given the substantial similarity between the charges in the original Indictment and the Superseding Indictment, and that the Superseding Indictment does not entail additional discovery, it should not affect the new trial date recently set by the Court of November 30, 2021. The Government respectfully requests that the Court schedule an arraignment of the defendant on the Superseding Indictment at the next court conference, once it is scheduled, or sooner, if the defendant so requests. In light of the pandemic, the Government also has no objection to arraignment occurring by video or telephone.

In addition, the Government respectfully requests that, in interests of justice under 18 U.S.C. § 3171(h)(7)(A), and for the reasons previously discussed, the Court exclude time under the Speedy Trial Act through November 30, 2021. While the defendant's letter requesting an adjournment of the prior trial date of October 4, 2021, to November 15, 2021 or a date thereafter, stated that the defendant consented to the exclusion of time through November 15, 2021 (Dkt. No. 75), in so-ordering that letter, and setting a new trial date, the Court did not mention the Speedy Trial Act. The Government believes it appropriate for the Court expressly to do so, so that the record is clear and particularly given that, as the Court noted, the pandemic may require the trial date to move further

SO ORDERED

LEWIS A. KAPLAN, USOJ

8/29/21

Time excluded through 11/30/21
or consent. The interests of justice
prevail thereby including the
defendant's need to prepare to meet
the new indictment through the
interests in a speedy trial.